

Appl. No. 10/044,687
Amdt. dated October 19, 2004
Reply to Office Action of July 27, 2004

Remarks

The present amendment responds to the Official Action dated July 27, 2004. The Official Action objected to the Abstract in the Specification because of improper language and format. Claims 1 and 7 were objected to because of an informality. Claims 1-10 were rejected under 35 U.S.C. §112, second paragraph('§112, second paragraph') as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 1-10 were indicated to be allowable if the §112, second paragraph rejection is overcome. These grounds of rejection are addressed below.

Claims 1, 7, and 8 have been amended to be more clear and distinct. As further described below, claims 1 and 7 have been amended to address the present rejections. Claim 8 has been amended to correct a typographical error. Claims 1-10 are presently pending with claims 1-10 standing in order for allowance.

Interview Summary

The Examiner is thanked for the courtesy of a telephone interview concerning the above case on October 14, 2004. In the telephone call, the section §112, second paragraph rejection concerning claims 1-10 was discussed for clarification. It was suggested that although the rejection stated that the claims were vague that another acceptable alternative rejection is to interpret that rejection as a lack of antecedent basis for the term "ESL" when used by itself. The Examiner agreed that this alternative interpretation was plausible. With this clarification, claim 1, as presently amended, was discussed to address the antecedent basis rejection. It was agreed that claim 1, as presently amended, would overcome the rejection.

Appl. No. 10/044,687
Amdt. dated October 19, 2004
Reply to Office Action of July 27, 2004

Updating References in the Specification

The paragraph beginning at page 3, line 10 has been amended to update application serial numbers of references which are incorporated by reference.

Typographical Errors in Specification

The paragraphs beginning at page 8, line 20 and at page 9, line 16 have been amended to correct a typographical error. The paragraph beginning at page 8, line 20 has been amended to remove the duplicate wording "to find the ESL." The paragraph beginning at page 9, line 16 has been amended to delete the redundant words "in step 310."

Abstract Amendment

The Official Action objected to the length of the Abstract and the purported use of improper language. The Abstract has been amended to reduce the number of words to be under 150. However, Applicants disagree that the Abstract contains any improper language. The words "means" and "said" are examples used in the Official Action. These words are not found in the Abstract. Applicants request that the Examiner make a courtesy telephone call to the attorney listed below, if she continues to maintain this objection.

Formality Objection to Claims 1 and 7

The Examiner is thanked for her careful reading of the claims and for her suggestion to change the text "displayed by the ESL" with the text "displayed by the ESL's registers." Claim 1

Appl. No. 10/044,687
Amdt. dated October 19, 2004
Reply to Office Action of July 27, 2004

has been amended to replace the text “electronic shelf label’s (ESL’s)” and “ESL’s registers” with the text “electronic shelf label (ESL)” and “ESL registers”, respectively. To effect this amendment, the text “the ESL comprising ESL registers” has been newly added. Similarly, claim 7 has been amended to replace the text “ESL’s registers” with the text “plurality of registers.” These amendments follow the spirit of the Examiner’s suggestion while further clarifying that an ESL contains ESL registers. Support for this amendment can be found, for example, at page 7, lines 3 and 4 and Fig. 2 of the Specification.

Section 112, Second Paragraph Rejection of claims 1-10

The Official Action suggests that step(c) of claim 1 is vague on the basis that the claim recites “ESL register” and “ESL data file” while step(c) recites “messages to the ESL”. Although not explicitly stated in the Official Action, it appears that the rejection is based on a lack of proper antecedent basis. Claim 1, as presently amended to address the informality objection above, now includes a proper antecedent for the term “ESL.”

Applicants Comments Regarding Examiner’s Statement for Reasons for Allowance

The Examiner stated reasons for allowance in the Official Action. While Applicants agree in part with the stated reasons for allowance, Applicants also believe that other aspects of the claimed invention are also not taught or suggested by the prior art of record. Thus, the stated reasons for allowance should be interpreted as highlighting only one of the differences between

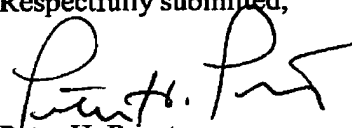
Appl. No. 10/044,687
Amdt. dated October 19, 2004
Reply to Office Action of July 27, 2004

prior art and the invention. Allowance, as well as scope of the claimed invention, should be based on all of the language of each of the allowed claims considered as a whole.

Conclusion

All of the presently pending claims, as amended, appearing to overcome the rejection, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



Peter H. Priest
Reg. No. 30,210
Priest & Goldstein, PLLC
5015 Southpark Drive, Suite 230
Durham, NC 27713-7736
(919) 806-1600